

SENATE BILL 3846
By Woodson

AN ACT to amend Tennessee Code Annotated, Title 33;
Title 37 and Title 49, relative to the education of
certain children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 37-1-131(a), is amended by deleting subdivision (2) in its entirety and substituting instead the following language:

(2) Placing the child on probation under the supervision of the probation officer of the court or the department of children's services, or any person, persons or agencies designated by the court, or the court of another state as provided in §37-1-143, under conditions and limitations the court prescribes.

(A) If the adjudication of delinquency was for an offense involving first degree murder, second degree murder, rape, aggravated rape, rape of a child, aggravated robbery, especially aggravated robbery, kidnapping, aggravated kidnapping, especially aggravated kidnapping, aggravated assault, or felony reckless endangerment, and if school attendance is a condition of probation, or if the child is to be placed in the custody of a state agency and is to be placed in school by a state agency or by a contractor of the state agency, the court shall make a finding that the principal of the child's school shall be notified. The court shall then enter an order directing the youth service officer, probation officer, or the state agency if the child has been committed to the custody of the state agency, to notify in writing the school principal of the nature of the offense and probation requirements, if any, related to school attendance, within

five (5) days of the order or before the child resumes or begins school attendance, whichever occurs first.

(B) If completing an inpatient mental health treatment program at a hospital or treatment resource as defined in §33-1-101 is ordered by the court, then the court shall make a finding that the child shall provide to the principal of the child's school a certificate of completion of the mental health treatment program two (2) days before the child resumes or begins school attendance.

Such information shall be shared only with employees of the school having responsibility for classroom instruction of the child, but such information is otherwise confidential and shall not be shared by school personnel with any other person or agency, except as may otherwise be required by law. Such notification in writing of the nature of the offense committed by the child, any probation requirements, and the certificate of completion of an inpatient mental health treatment program at a hospital or treatment resource, shall not become a part of such child's student record. A violation of the confidentiality provisions of the preceding sentence is a Class C misdemeanor;

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, Part 31, is amended by adding the following language as a new section thereto:

§49-6-3114.

(a) Any child who voluntarily enters an inpatient mental health treatment program at a hospital or treatment resource shall provide to the principal of the child's school a certificate of completion of the mental health treatment program two (2) days before the child resumes or begins school attendance.

(b) Such information shall be shared only with employees of the school having responsibility for classroom instruction of the child, but such information is otherwise confidential and shall not be shared by school personnel with any other person or agency, except as may otherwise be required by law. The certificate of completion of an inpatient mental health treatment program at a hospital or treatment resource shall not become a part of such child's student record. A violation of the confidentiality provisions of the preceding sentence is a Class C misdemeanor.

SECTION 3. Tennessee Code Annotated, Section 49-6-3102(a), is amended by deleting the subsection in its entirety and substituting instead the following language:

(a)

(1) The board of education of each local school system, with respect to the schools under its jurisdiction, is authorized and required to provide for the enrollment in a public school of each child who is eligible for enrollment within the schools of the local school system.

(2) The board of education of each local school system, with respect to the schools under its jurisdiction is not required, however, to provide for the enrollment in a public school of a child who fails to submit a certificate of completion of an inpatient mental health treatment program, pursuant to §37-1-131 or §49-6-3114, to the principal of the child's school two (2) days before the child resumes or begins school attendance.

SECTION 3. Tennessee Code Annotated, Title 33, Chapter 4, is amended by adding the following language as a new, appropriately designated section thereto:

§33-4-____.

Any hospital or treatment resource providing an inpatient mental health treatment program to a child, pursuant to §37-1-131 or §49-6-3114, shall provide a certificate of completion to a child who completes such treatment program.

SECTION 4. This act shall take effect July 1, 2006, the public welfare requiring it.